

House Bill 372 (COMMITTEE SUBSTITUTE)

By: Representatives Ballard of the 147<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Blackmon of the 146<sup>th</sup>, Persinger of the 119<sup>th</sup>, Townsend of the 179<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated,  
 2 relating to retirement allowances, disability benefits, and spouses' benefits, so as to remove  
 3 the requirement that certain subject areas be designated as an area of highest need for certain  
 4 beneficiaries of the Teachers Retirement System of Georgia to be hired to work in such  
 5 areas; to provide for the extension of provisions to 2030; to provide for areas of highest need  
 6 to be determined for a public school system rather than a RESA; to prohibit termination of  
 7 employment based on a change in a public school system's areas of highest need; to provide  
 8 for related matters; to provide conditions for an effective date and automatic repeal; to repeal  
 9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to  
 13 retirement allowances, disability benefits, and spouses' benefits, is amended by revising Code  
 14 Section 47-3-127.1, relating to full-time employment of beneficiaries permitted under limited  
 15 conditions, required employer contributions, and areas of highest need, as follows:

H. B. 372 (SUB)

16 "47-3-127.1.

17 (a) From July 1, 2022, until June 30, ~~2026~~ 2030, notwithstanding the provisions of Code  
18 Section 47-3-127, to the extent and under the conditions provided for in this Code section,  
19 a public school system may employ:

20 (1) A a beneficiary who has obtained 30 years of creditable service in this retirement  
21 system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12  
22 who has as his or her primary responsibility the academic instruction of students in a  
23 classroom in an area of highest need determined for the RESA to which such public  
24 school system is assigned, provided that at least one year has expired from the effective  
25 date of such beneficiary's retirement and he or she was not restored to service as a teacher  
26 pursuant to Code Section 47-3-127 during such period of time; or

27 (2) A beneficiary who has obtained 30 years of creditable service in this retirement  
28 system in a full-time capacity as a certified teacher of pre-kindergarten through grade 12  
29 who has as his or her primary responsibility the academic instruction and support of  
30 students in the area of mathematics, special education, reading, writing, or English  
31 language arts, provided that such beneficiary in the area of reading, writing, or English  
32 language arts holds a current dyslexia or reading endorsement approved by the  
33 Professional Standards Commission, provided that at least one year has expired from the  
34 effective date of such beneficiary's retirement and he or she was not restored to service  
35 as a teacher pursuant to Code Section 47-3-127 during such period of time.

36 (b)(1) An individual employed as described in subsection (a) of this Code section shall  
37 remain a beneficiary and shall continue to receive his or her retirement allowance and any  
38 postretirement benefit adjustments for which he or she is eligible; provided, however, that  
39 such service shall not constitute creditable service and shall not entitle such beneficiary  
40 to a recomputation of retirement benefits upon cessation of such service.

41 (2) It shall be the duty of each beneficiary to notify an employer of his or her status as  
42 a beneficiary prior to accepting employment with such employer.

43 (c)(1) Within 30 days of employing a beneficiary pursuant to this Code section, such  
44 employer shall notify the board of trustees of such beneficiary's name, the amount of his  
45 or her earnable compensation, a description of any other forms of remuneration to be  
46 made, the number of hours to be worked, job responsibilities, and other such information  
47 as the board of trustees may prescribe.

48 (2) An employer that employs a beneficiary pursuant to subsection (a) of this Code  
49 section shall pay to the retirement system an amount equal to the product of:

50 (A) The combination of the rate required by this chapter for employer contributions  
51 and employee contributions; and

52 (B) The earnable compensation of such beneficiary.

53 (3) A beneficiary shall not receive creditable service from or access to contributions  
54 made as a result of payments required by paragraph (2) of this subsection, and he or she  
55 shall be considered by the retirement system solely as a beneficiary.

56 (4) If an employer that is obligated to make contributions or reimbursements to the  
57 retirement system pursuant to this Code section fails to make such contributions, any  
58 unpaid amounts shall be deducted from any funds payable to such employer by the state,  
59 including without limitation the Department of Education and the Board of Regents of  
60 the University System of Georgia, and shall be paid to the retirement system.

61 (d)(1) As used in this Code section, 'area of highest need' means one of the three content  
62 areas for which there are the greatest percentages of unfilled positions for classroom  
63 teachers in a RESA public school system.

64 (2) The areas of highest need shall be determined for each RESA public school system  
65 annually by the Department of Education after consultation with the Professional  
66 Standards Commission. Such determinations shall be based upon a five-year average  
67 review of a survey reported by local school systems to the Department of Education. The  
68 areas of highest need for each RESA public school system shall be reported to the

69 retirement system on an annual basis beginning July 1, 2022, and ending  
70 July 1, ~~2025~~ 2029.

71 (e) No change in a public school system's areas of highest need shall require the  
72 termination, resignation, or nonrenewal of any beneficiary previously hired under  
73 subsection (a) of this Code section.

74 ~~(e)~~(f) Prior to July 1, 2025, the state auditor shall conduct and publish a performance audit  
75 concerning the provisions of this Code section to include a determination of the value and  
76 necessity of the full-time employment of beneficiaries as permitted by this Code section,  
77 as well as the effects of such employment on the local school systems, the Teachers  
78 Retirement System of Georgia, and the teacher workforce as a whole for this state.

79 ~~(f)~~(g) The provisions of this Code section shall not become part of the employment  
80 contract and shall be subject to future legislation."

81 **SECTION 2.**

82 This Act shall become effective on July 1, 2026, only if it is determined to have been  
83 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
84 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
85 become effective and shall be automatically repealed in its entirety on July 1, 2026, as  
86 required by subsection (a) of Code Section 47-20-50.

87 **SECTION 3.**

88 All laws and parts of laws in conflict with this Act are repealed.